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9 United States of America

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12	IN THE MATTER OF THE)	No. 12-1742-M
	EXTRADITION OF)	
13)	<u>[PROPOSED] ORDER GRANTING</u>
14	ROBERT KOVARIK,)	<u>GOVERNMENT'S REQUEST FOR</u>
)	<u>DETENTION</u>
15)	
16	A Fugitive from Government)	
	of the Czech Republic.)	
17)	

18 Upon consideration of the request of the United States for
19 the detention of fugitive ROBERT KOVARIK pending extradition
20 proceedings, and good cause therefor appearing,

21 IT IS HEREBY ORDERED that said request is GRANTED, the Court
22 making the following findings of fact and conclusions of law:


23 1. In foreign extradition matters there is a presumption
24 against bail and only "special circumstances" will justify
25 release on bail. United States v. Salerno, 878 F.2d 317, 317
26 (9th Cir. 1989); see also Matter of Extradition of Smyth 976 F.2d
27 1535, 1535-36 (9th Cir. 1992); Kamrin v. United States, 725 F.2d
28 1225, 1228 (9th Cir. 1984). The burden of showing special

1 circumstances rests upon the fugitive. See, e.g., Salerno, 878
2 F.2d at 317-18. Here, ROBERT KOVARIK does not argue that
3 "special circumstances" exist, and the Court finds that no such
4 "special circumstances" exist.


5 2. The government alternatively requests detention on the
6 grounds that ROBERT KOVARIK presents an unacceptable risk of (a)
7 flight; and (b) danger to the community, even if such special
8 circumstances were present. In support of its request, the
9 government proffers the sworn extradition complaint, the
10 provisional arrest warrant, and the confidential Pretrial
11 Services report. Based on the allegations in the extradition
12 complaint concerning ROBERT KOVARIK'S offenses in the Czech
13 Republic, the Court finds that ROBERT KOVARIK poses a potential
14 risk to the safety of the community.

15 IT IS SO ORDERED.

16 DATED: This 2nd day of October, 2012.

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18 
19 HONORABLE STEPHEN J. HILLMAN
20 UNITED STATES MAGISTRATE JUDGE
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22 Presented by:

23 
24 DONNA FORD
25 Assistant United States Attorney
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